

RESOLUTION NO. 06-71

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE HELIX WATER DISTRICT ADOPTING AN AMENDED APPENDIX
OF THE CONFLICT OF INTEREST CODE PURSUANT TO
THE POLITICAL REFORM ACT OF 1974**

WHEREAS, the Legislature of the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Helix Water District (the "District") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the Board of Directors adopted a Conflict of Interest Code (the "Code") which was amended on October 20, 2004, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within the District have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the Appendix of the District's Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the District being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed amended Appendix was provided each affected designated employee and publicly posted for review at the offices of the District; and

WHEREAS, a public meeting was held upon the proposed amended Appendix at a regular meeting of the Board of Directors on October 4, 2006, at which all present were given an opportunity to be heard on the proposed amended Appendix.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Helix Water District that the Board of Directors does hereby adopt the proposed amended Appendix of the Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the Assistant Board Secretary and available to the public for inspection and copying;

BE IT FURTHER RESOLVED that the said amended Appendix of the Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of San Diego for approval and said Appendix shall become effective 30 days after the Board of Supervisors approves the proposed amended Code as submitted.

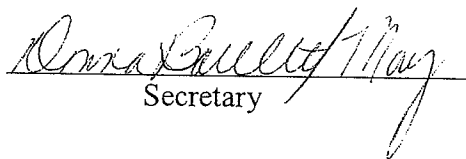
PASSED, ADOPTED AND APPROVED this 4th day of October 2006, by the following vote:

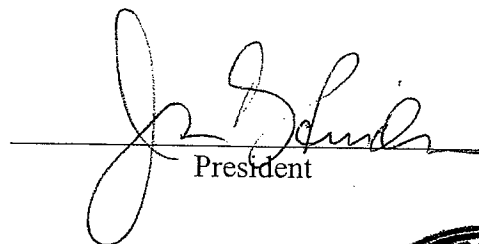
Ayes: Directors Linden, Lewanski, Smith, Muse, and Verbeke

Noes: None

Absent: None

Attest:


Secretary


President



APPENDIX

CONFLICT OF INTEREST CODE

OF THE

HELIX WATER DISTRICT

(Amended ~~October 20, 2004~~ October 4, 2006)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District's Code, but are subject to the disclosure requirements of the Act. (Government Code Section 87200 et seq.). [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments⁴:

Members of the Board of Directors

General Manager

Treasurer

Financial Consultants

⁴ Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Administrative Services Manager/Assistant Treasurer	4, 5
Board Secretary	6
Construction Manager	3, 6
<u>Customer Service Manager</u>	<u>6</u>
Director of Engineering/Chief Engineer	2, 3, 6
Director of Field Operations and Distribution	6
Director of Water Quality and System Operations	2, 6
Equipment Maintenance Coordinator	6
<u>Finance Manager/Deputy Treasurer</u>	<u>1, 2</u>
General Counsel	1, 2
<u>Human Resources Manager</u>	<u>6</u>
Information Services Manager	6
Field Operations and Distribution Manager	6
Operations and Construction Manager	2, 3, 6
Operations Support Supervisor	6
Principal Engineer	2, 3, 6
Senior Right-of-Way Agent/Environmental Analyst	6
<u>System Operations Manager</u>	<u>2, 6</u>

DESIGNATED EMPLOYEES'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

Water Quality & Treatment Plant Manager

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Consultant⁵

⁵ Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, including gifts, loans and travel payments, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income that are located in, that do business in or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.